

PATENT COOPERATION TREATY

From the
INTERNATIONAL SEARCHING AUTHORITY

To:

see form PCT/ISA/220

PCT

WRITTEN OPINION OF THE INTERNATIONAL SEARCHING AUTHORITY (PCT Rule 43bis.1)

Date of mailing
(day/month/year) see form PCT/ISA/210 (second sheet)

Applicant's or agent's file reference
see form PCT/ISA/220

FOR FURTHER ACTION See paragraph 2 below

International application No.
PCT/GB2004/001564

International filing date (day/month/year)
08.04.2004

Priority date (day/month/year)
09.04.2003

International Patent Classification (IPC) or both national classification and IPC
A47K13/30, E03D9/052

Applicant
KELLY, Joseph Steven

1. This opinion contains indications relating to the following items:

- Box No. I Basis of the opinion
- Box No. II Priority
- Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- Box No. IV Lack of unity of invention
- Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- Box No. VI Certain documents cited
- Box No. VII Certain defects in the international application
- Box No. VIII Certain observations on the international application

2. FURTHER ACTION

If a demand for international preliminary examination is made, this opinion will usually be considered to be a written opinion of the International Preliminary Examining Authority ("IPEA"). However, this does not apply where the applicant chooses an Authority other than this one to be the IPEA and the chosen IPEA has notified the International Bureau under Rule 66.1bis(b) that written opinions of this International Searching Authority will not be so considered.

If this opinion is, as provided above, considered to be a written opinion of the IPEA, the applicant is invited to submit to the IPEA a written reply together, where appropriate, with amendments, before the expiration of three months from the date of mailing of Form PCT/ISA/220 or before the expiration of 22 months from the priority date, whichever expires later.

For further options, see Form PCT/ISA/220.

3. For further details, see notes to Form PCT/ISA/220.

Name and mailing address of the ISA:



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Box No. I Basis of the opinion

1. With regard to the **language**, this opinion has been established on the basis of the international application in the language in which it was filed, unless otherwise indicated under this item.
 This opinion has been established on the basis of a translation from the original language into the following language , which is the language of a translation furnished for the purposes of international search (under Rules 12.3 and 23.1(b)).
2. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application and necessary to the claimed invention, this opinion has been established on the basis of:
 - a. type of material:
 a sequence listing
 table(s) related to the sequence listing
 - b. format of material:
 in written format
 in computer readable form
 - c. time of filing/furnishing:
 contained in the international application as filed.
 filed together with the international application in computer readable form.
 furnished subsequently to this Authority for the purposes of search.
3. In addition, in the case that more than one version or copy of a sequence listing and/or table relating thereto has been filed or furnished, the required statements that the information in the subsequent or additional copies is identical to that in the application as filed or does not go beyond the application as filed, as appropriate, were furnished.
4. Additional comments:

WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITYInternational application No.
PCT/GB2004/001564

JC20 Rec'd PCT/PTO 11 OCT 2005

Box No. II Priority

1. The following document has not been furnished:

copy of the earlier application whose priority has been claimed (Rule 43bis.1 and 66.7(a)).

translation of the earlier application whose priority has been claimed (Rule 43bis.1 and 66.7(b)).

Consequently it has not been possible to consider the validity of the priority claim. This opinion has nevertheless been established on the assumption that the relevant date is the claimed priority date.

2. This opinion has been established as if no priority had been claimed due to the fact that the priority claim has been found invalid (Rules 43bis.1 and 64.1). Thus for the purposes of this opinion, the international filing date indicated above is considered to be the relevant date.

3. Additional observations, if necessary:

Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability

The questions whether the claimed invention appears to be novel, to involve an inventive step (to be non obvious), or to be industrially applicable have not been examined in respect of:

the entire international application,
 claims Nos. 9-20

because:

the said international application, or the said claims Nos. relate to the following subject matter which does not require an international preliminary examination (specify):
 the description, claims or drawings (*indicate particular elements below*) or said claims Nos. 9-20 are so unclear that no meaningful opinion could be formed (specify):

see separate sheet

the claims, or said claims Nos. are so inadequately supported by the description that no meaningful opinion could be formed.
 no international search report has been established for the whole application or for said claims Nos.
 the nucleotide and/or amino acid sequence listing does not comply with the standard provided for in Annex C of the Administrative Instructions in that:

the written form

has not been furnished

does not comply with the standard

the computer readable form

has not been furnished

does not comply with the standard

the tables related to the nucleotide and/or amino acid sequence listing, if in computer readable form only, do not comply with the technical requirements provided for in Annex C-bis of the Administrative Instructions.

See separate sheet for further details

**WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY**

International application No.
PCT/GB2004/001564

**Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or
industrial applicability; citations and explanations supporting such statement**

1. Statement

Novelty (N)	Yes: Claims	1-8,21-24
	No: Claims	
Inventive step (IS)	Yes: Claims	1-8,21-24
	No: Claims	
Industrial applicability (IA)	Yes: Claims	1-8,21-24
	No: Claims	

2. Citations and explanations

see separate sheet

Box No. VI Certain documents cited

1. Certain published documents (Rules 43bis.1 and 70.10)
and / or
2. Non-written disclosures (Rules 43bis.1 and 70.9)

see form 210

Re Item III.

1.1 Although claims 1, 9, 14 and 18 have been drafted as separate independent device claims, they appear to relate effectively to the same subject-matter and to differ from each other only with regard to the definition of the subject-matter for which protection is sought and/or in respect of the terminology used for the features of that subject-matter. The aforementioned claims therefore lack conciseness. Moreover, lack of clarity of the claims as a whole arises, since the plurality of independent claims makes it difficult, if not impossible, to determine the matter for which protection is sought, and places an undue burden on others seeking to establish the extent of the protection.

Hence, claims 1, 9, 14 and 18 do not meet the requirements of Article 6 PCT.

1.2 If an amended set of claims had been filed defining the relevant subject-matter in terms of a single independent claim (claim 1) followed by dependent claims covering features which are merely optional (Rule 6.4 PCT), this objection would have been overcome.

1.3 The reasoned statement with regard to novelty, inventive step and industrial applicability has been established for independent device claim 1 and its dependent claims since in the opinion of the International Examination Authority these claims form the basis of the invention.

1.4 See paragraph 4 of Item V for the reasoned statement with regard to novelty, inventive step and industrial applicability for independent claims 9, 14 and 18.

Re Item V.

1. The following documents are referred to in this communication:

D1 : US 2002/069456 A1 (KUZNIAR RANDY L) 13 June 2002 (2002-06-13)
D2: WO 03/039313 A (KELLY JOSEPH STEVEN) 15 May 2003 (2003-05-15)

2.1 Document D1, which is considered to represent the most relevant state of the art, discloses (cf. the cited passages in the search report):

a toilet seat comprising an annular seat member having an internal duct extending around the central opening in the annular seat member from an inlet formed in the annular seat member for receiving foul air from a toilet pan to an outlet formed in the seat member; at least one filter for arrangement in the duct for deodorising foul air from the toilet pan; and fan means arranged in the duct for creating air flow along the duct through the air filter, wherein the filter is fixed to a cartridge which is removably insertable into the annular seat member through an aperture formed in the outer circumferential side of the annular seat member.

From this, the subject-matter of independent claim 1 differs in that the outlet of the duct is formed in an outer wall of the cartridge which fits in the aperture on insertion of the cartridge into the annular seat member.

- 2.2 The subject-matter of claim 1 is therefore novel (Article 33(2) PCT). The problem to be solved by the present invention may be regarded as simplifying the construction of a ventilated toilet seat.
- 2.3 The solution to this problem proposed in claim 1 of the present application is considered as involving an inventive step (Article 33(3) PCT) for the following reasons: it is not suggested in D1 to change the air flow such that the outlet for the filtered air is formed in the cartridge. To come to the toilet seat arrangement of the invention, the skilled person would need to modify the toilet seat of D1 in several non-obvious ways.
- 2.4 Claims 2-8 are dependent on claim 1 and as such also meet the requirements of the PCT with respect to novelty and inventive step.
 - 3.1 It is noted, that document D2 discloses a toilet seat which comprises all of the features of claim 1. However, this document is not considered as belonging to the prior art according to Rule 64.1 PCT, see also Rule 64.3 PCT.
 4. Insofar all of the features of claim 1 are implicitly or explicitly present in independent claims 9, 14 and 18, the assessment for claim 1, see above, would also apply for these independent claims and their dependent claims.

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